

REMARKS/ARGUMENTS

The Examiner has required election under 35 U.S.C. 121 of one of five species of the invention which are disclosed in this application and which, in the absence of a generic claim, are believed by the Examiner to be patentably distinct.

As indicated previously in this Amendment, applicant has elected Species A on which Claims 1-15, 17 and 18 are believed to be clearly readable. Further, Applicant submits that, as now amended, these claims are readable on and should also be found generic with respect to Species B, C and E. For example, with respect to Species B (Fig. 9), these claims clearly recite movement between the device and the rod, without any limitation as to which element might be fixed against movement. Thus, the aforesaid claims now clearly read on and are generic to the device illustrated in Fig. 9 and further defined in claim 16.

Turning to Species C (Fig.10), applicant calls attention to the fact that the only described differences between Species A and Species C relate primarily to the manner in which the bushings 50 and 202, respectively, are mounted against movement. One is mounted with bolts and the other by snap-in washers. Applicant fails to see how such a relatively minor difference could rise to the level of patentable distinction. Further it is submitted that of the aforesaid claims, all but No. 12 clearly are believed to read on and thus are generic to Species C.

Species D (Fig. 11) has not been claimed, *per se*, in the present application, having been included in the specification primarily to show an example of how the clamping devices as disclosed and claimed in the present application could readily be used in a production machine. Applicant, of course, reserves the right to file for patent coverage on a machine of the nature disclosed in Fig. 11.

Looking now at Species E (Figs. 12-15), and comparing it to the integrated or single piece version of Species A (Figs. 1-8), applicant submits that a simple division of the integrated Species A device into a two section version connected by a flexible pressure hose should not render the divided device patentably distinct from the integrated device. Element for element, claim 1 and several of the claims dependent thereon are believed to clearly read on the Species E device. The only minor difference resides in the use of a flexible hose 392 in Species E instead of a drilled passage 80 (see Fig.3) through a metallic component in Species A to deliver pressure to the expandable cell for clamping the rod. While the two piece device of Figs. 12-15 may look different from the one piece device of Figs 1-8, its use, operation, function and purpose are essentially the same as and clearly not believed to be patentably distinct from the one piece device.

In summary, applicant submits that the species disclosed in this application are not patentably distinct and that the claims now applicable to the species elected hereabove are generic and allowable. Thus, it is respectfully requested that the requirement for restriction be withdrawn, and that all claims in this case now be examined.

Respectfully submitted

Jerry E. Heinzeroth

BY 
Thomas E. Frantz, Reg. No. 24,814

Phone: 319-372-1890

Date: July 25, 2005